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TO: United States Patent and Trademark Office

NAME:

DATE & TIME: February 15, 2006

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FAX NUMBER: 571 273 8300

FROM: Morris, Manning & Martin, LLP

CHARGE TO:

NAME: John R. Harris

CLIENT/MATTER: 10161-28700

PHONE: (404) 233-7000

CONFIRMATION TIME:

_____:_____:_____
HR MIN SEC

Serial No. 09/473,383

Applicant: Dominic J. Morea et al.

Filed: December 28, 1999

Group Art Unit: 3627

Confirmation No.: 9919

CERTIFICATE OF FACSIMILE TRANSMISSION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Morea et al.	Mailing Date:	February 15, 2006
Serial No.:	09/473,383	Examiner:	O'Conner, Gerald J.
Filed:	December 28, 1999	Group Art Unit:	3627
Confirmation No.:	9919	Docket:	10161-28700
Due Date:	February 15, 2006	Notice of Allow. Date:	November 15, 2005
Title:	Merchant Account Activation System		

CERTIFICATE UNDER 37 CFR 1.8:

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By: 

Name: John R. Harris

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Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet containing Certificate of Mailing (this page)
- ☒ Issue Fee Transmittal Part B (PTOL-85) (1 page)
- ☒ Comments on Statement of Reasons For Allowance (2 pages)
- ☒ Credit Card Payment Form in the amount of \$1400 for Payment of Issue Fee (1 page)

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Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dominic J. Morea et al.)	Art Unit: 3627
)	
Application No. 09/473,383)	Examiner: Gerald J. O'Connor
)	
Filed: December 28, 1999)	Confirmation No. 9919
)	
For: Merchant Account Activation System)	Attorney Docket: 10161-28700

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to MPEP Section 1302.14, the following comments by the Applicant are provided so that the record is clear that the Applicant does not necessarily agree with all of the reasons given by the examiner for allowing this application. Although the Applicant appreciates the allowance, these comments are believed necessary so as to negate any presumption of acquiescence to those reasons and any negative inferences that may flow therefrom.

A Statement of Reasons for Allowance was included with the Notice of Allowance mailed on November 15, 2005. Among other things, that Statement made certain comments about the *Zirkel* reference and the *Henson* reference.

In particular, the examiner indicated that *Henson* fails to disclose or fairly suggest, either alone or in combination with any other known reference, the combination of various aspects including online shopping/selection by a merchant for point-of-sale systems/hardware, online applying for a merchant account that will enable the merchant to process/accept credit card

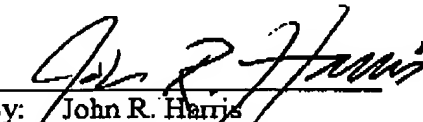
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transactions, and automatically loading the merchant account settings of the merchant account onto the point-of-sale terminal/hardware, etc. While the applicant does not disagree that the *Henson* reference indeed fails to disclose or fairly suggest those aspects as stated by the examiner, applicant would like the record to be clear that examiner's statement does not exactly match the language of the claims, and that the claims should be interpreted in accordance with applicable legal principles without necessarily reading in limitations from the examiner's statement. For example, various claims do not require "automatic loading" of merchant account settings.

Respectfully submitted,


By: John R. Harris
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